

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY GORDON,) 8:93CV263
)
Plaintiff,)
)
v.) **MEMORANDUM**
BEN NELSON, Governor of the State)
of Nebraska, and DONALD)
STENBERG, Attorney General of the)
State of Nebraska,)
)
Defendants.)

AND ORDER

This matter is before the court on Petitioner Larry Gordon's "Motion for Certificate of Probable Cause of Appeal," which the court liberally construes as a notice of appeal from the court's Memorandum and Order dated July 28, 2015. Gordon was previously granted leave to proceed in forma pauperis in this action (*see* Filing No. [4](#)), so he may proceed on appeal in forma pauperis.

IT IS THEREFORE ORDERED that: Petitioner may proceed on appeal in forma pauperis. To the extent a certificate of appealability is required in order to process this appeal, the court will not issue one because Gordon has not made a substantial showing of the denial of a constitutional right. [28 U.S.C. § 2253\(c\)\(2\)](#). The clerk of the court is directed to send a copy of this Memorandum and Order to the Eighth Circuit Court of Appeals.

DATED this 26th day of August, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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